

Exhibit “A”

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PAOLA B. COLON,

Plaintiff,

-against-

GRAF REPETTI & CO., LLP and  
FAMILY OFFICE GROUP, LLC,

Defendants.

**Civil Action No.: 07-9572**

**AFFIDAVIT OF PETER GRAF**

STATE OF NEW YORK     )  
                                      ) ss:  
COUNTY OF NEW YORK )

PETER GRAF, being duly sworn, deposes and states the following under the penalties of perjury:

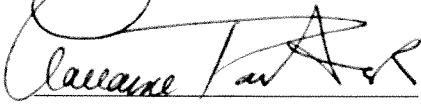
1. I am the Chairman of the Board ("Chairman") and Chief Executive Officer ("CEO") of Family Offices Group, LLC ("FOG"), whose principal place of business is 1114 Avenue of the Americas, New York, NY 10036. I am also the Managing Partner of Graf Repetti & Co., LLP (GR&C).
2. I submit this Affidavit, based upon personal knowledge, in support of GR&C and FOG's Motion to Dismiss the Complaint of Paola Colon ("plaintiff" or "Colon"). This Affidavit is further submitted in opposition to Colon's "request" for summary judgment on her FMLA cause of action that, based upon the advice of counsel, I understand was first made in the context of her Memorandum in Opposition to GR&C and FOG's Motion to Dismiss.

3. FOG and GR&C are separate, domestic entities, each with its principal place of business in New York County. Specifically, FOG is a domestic limited liability company and GR&C is a domestic, registered limited liability partnership. There is no ownership interest of GR&C in FOG or vice versa, as they are truly each independent corporate business entities.
4. As an officer of FOG, I am fully familiar with and have access to FOG's corporate files and records.
5. After an investigation and review of relevant files, I attest that plaintiff began working exclusively for FOG on January 1, 2004.
6. FOG is not a wholly owned subsidiary of GR&C, as alleged by plaintiff, but, rather, is an independent limited liability corporation with four members and less than five non-member employees.
7. From January 1, 2004 until November, 17, 2006, the date of plaintiff's termination, FOG had a maximum of **five** full-time non-member employees.
8. From January 1, 2004 until November 17, 2006, the date of plaintiff's termination, GR&C had in excess of 50 full-time employees.
9. Contrary to what Colon has alleged, her employment with FOG was terminated due her unprofessional conduct; namely:
  - a. Plaintiff took her infant son with her, in a client's car, to a meeting at North Fork Bank to renegotiate a mortgage for a client, without obtaining prior consent from FOG or disclosing what liability insurance, if any, was maintained by the car owner or driver;

- b. On or about November 15, 2006, during a staff meeting which plaintiff attended via telephone, plaintiff, during a conversation regarding an upcoming holding party, announced to the entire room, that Nancy Kunak, a GR&C employee, was “dancing on the tables at the party” and “flashed [me] her ‘boobs’ at the last holiday party.” This was a total fabrication.
  - c. On another occasion, plaintiff agreed to attend a client meeting at our office, at my request. I subsequently learned that Colon had, without my prior knowledge or consent, contacted the client directly to arrange for cancellation of Colon’s participation at the meeting, under the guise that her services were not needed and despite my specific directive that she be present.
  - d. Plaintiff convinced Francois Nars, a client of FOG at that time, who is no longer a client, to issue her a credit card, in her own name, to allow her to charge matters directly to that client. This was in direct contravention of FOG policy. FOG was ultimately alerted to plaintiff’s persistent attempts to solicit its clients by using the autonomy and equipment with which FOG entrusted her to work part-time from home in the weeks following the birth of her child.
10. On or about January 16, 2008, I obtained true and accurate copies of emails, maintained in the ordinary course of business, sent by plaintiff while employed by FOG and retrieved from plaintiff’s FOG Microsoft Outlook email account. A cursory review of the referenced emails reveals that they are of a graphic sexual and homophobic nature. Copies of the emails are affixed hereto, and made a part hereof, collectively, as Exhibit “1.”

  
PETER GRAF

Sworn to before me this  
4<sup>th</sup> day of March, 2008



Notary Public

**LORRAINE PASTOR**  
Notary Public, State of New York  
No. 01PA4618273  
Qualified in Queens County  
Commission Expires March 30, 2011